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10/566,128	07/19/2006	Rolf-Juergen Recknagel	10191/4080	4205

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EXAMINER
RAO, SHEELA S

ART UNIT	PAPER NUMBER
2123	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 October 2008</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>6-12</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>6-12</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Office action is in response to papers filed on 20 October 2008.

2.   Claims 6-12 are pending and presented for examination. Claims 11 and 12 are newly added.

Response to Amendments/Remarks

3.   The objection made to the specification because of informalities is maintained and has been restated below.

4.   The rejection of claims 6-10 under 35 USC §102(e) as being anticipated by US Patent Application Publication No. US 2005/0068195 A1 to Ohl et al. is maintained and has been restated below.

Specification

5.   The disclosure is objected to because of the following informalities: the specification includes acronyms that are not standard names or readily known to skilled artisans in the relevant arts, i.e. PPS and SG on page 4 of the disclosure. The use of an acronym is generally followed by the full expansion of the name or title upon the first occurrence of the name or title. Applicant is requested to indicate the full name or title of PPS and SG, at least on the first occurrence of the name or title, as these acronyms are not necessarily commonly used terms. Appropriate correction is required.

Claim Rejections - 35 USC § 102

6.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7.   Claims 6-10 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication No. US 2005/0068195 A1 to Ohl et al.

The reference of prior art by Ohl et al. (hereinafter "Ohl") teaches of a method for transmitting data from at least one sensor to a control unit and anticipates the limitations of the instant invention.

Independent claim 6 sets forth the instant invention as a method for digital data transmission from a sensor to a control unit, comprising dividing sensor values of the sensor for data transmission at different resolutions, the sensor values forming a first range of values including successive sensor values; and dividing the first range of values as a function of a variable relevant for the control unit. These elements are taught by Ohl in paragraph [0014] where the dividing of the sensor data into various successive ranges is described. The reference continues to explain how each of the ranges for the values are associated with variables for different aspects as needed for the control unit (see paragraph [0004-0012]). The cited paragraph concludes by explaining how the data is transmitted at a higher rate, i.e. resolution. In addition, paragraph [0013] explains how it is possible to use different transmission rates and resolutions for the sensor values.

Claim 7 further defines the variable as a second range of sensor values for threshold values of a triggering algorithm for a restraining device, and the sensor values

in the second range of values are transmitted from the sensor to the control unit at a higher resolution. Again in paragraph [0014] the sensor values as divided into portions or ranges is described and the values in the second and third portion are stated as the trigger values. With regard to the transmission of the values at a higher resolution, paragraph [0013] indicates the use of different transmission rates and resolutions for the sensor values.

With regard to claim 8, the second range of values is selected from a lower half of the first range of values is claimed. As aforementioned, paragraph [0014] teaches the dividing of the values into ranges or portions, with the second and third range following the first range.

Claim 9 defines the method as executed by a transmitter module in the sensor. Ohl teaches the transmitting by the sensor in paragraph [0017] with the sensor including a transmitter block.

Claim 10 states that the method is executed by a receiver module in a control unit. Ohl includes a receiver block in the control unit as described in paragraph [0015].

Based upon the aforementioned associations the limitations of the instant invention are anticipated and taught by the prior art to Ohl.

8.   Claims 6-12 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. US 6,943,669 B2 to Otterbach et al.

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome

either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in

the reference was derived from the inventor of this application and is thus not the

invention "by another," or by an appropriate showing under 37 CFR 1.131.

Otterbach et al. (hereinafter referred to as "Otterbach") teaches of a method for

transmitting data from a sensor to a control unit similar to that of the instant invention.

Independent claim 6 sets forth the instant invention as a method for digital data

transmission from a sensor to a control unit (see abstract), comprising dividing sensor

values of the sensor for data transmission at different resolutions, the sensor values

forming a first range of values including successive sensor values (see Fig. 2 and col.

3:ll. 56 et seq. where the sensor values are divided; transmission at different resolutions

is explained in col. 1, line 66 through col. 2, line 2); and dividing the first range of values

as a function of a variable relevant for the control unit (see col. 3: ll. 56 et seq.).

Claim 7 further defines the variable as a second range of sensor values for

threshold values of a triggering algorithm for a restraining device, and the sensor values

in the second range of values are transmitted from the sensor to the control unit at a

higher resolution. Lines 38-40 of column 3 explain that the control unit is connected to a

restraining system and the control unit triggers the restraint system for protection

purposes. The cited paragraph continues to explain the use of algorithms and

resolution rates for transmission of the data.

With regard to claim 8, the second range of values is selected from a lower half

of the first range of values is claimed. As aforementioned, Fig. 2 and the text of column

2 beginning at line 52 teaches the dividing of the values into ranges or portions, with the

second and third range following the first range.

Claim 9 defines the method as executed by a transmitter module in the sensor. Otterbach teaches the transmitting of values by the sensor in column 3 at lines 10-13 and in Fig. 1.

Claim 10 states that the method is executed by a receiver module in a control unit. Otterbach includes a receive module as described in col. 3, lines 27 onwards in reference to Fig. 1.

As per claim 11, the variable as a second range of sensor values for threshold values of a triggering algorithm for a restraining device, the sensor values in the second range of values transmitted from the sensor to the control unit at a higher resolution,- lines 38-40 of column 3 explain that the control unit is connected to a restraining system and the control unit triggers the restraint system for protection purposes; also the cited paragraph continues to explain the use of algorithms and resolution rates for transmission of the data, the second range of values is selected from a lower half of the first range of values - Fig. 2 and the text of column 2 beginning at line 52 teaches the dividing of the values into ranges or portions, with the second and third range following the first range, and the operations are executed by a transmitter module in the sensor – taught in column 3 at lines 10-13 and in Fig. 1.

As with claim 12, the variable as a second range of sensor values for threshold values of a triggering algorithm for a restraining device, the sensor values in the second range of values transmitted from the sensor to the control unit at a higher resolution,- lines 38-40 of column 3 explain that the control unit is connected to a restraining system

and the control unit triggers the restraint system for protection purposes; also the cited

paragraph continues to explain the use of algorithms and resolution rates for

transmission of the data, the second range of values is selected from a lower half of the

first range of values - Fig. 2 and the text of column 2 beginning at line 52 teaches the

dividing of the values into ranges or portions, with the second and third range following

the first range, and the operations are executed by a receiver module in the control unit

– taught in column 3 at lines 27 et seq. in reference to Fig. 1.

Response to Arguments

9.   Applicant's arguments filed on October 20, 2008 have been fully considered but

they are not persuasive.

In paragraph 3 of Applicant's remarks, the objection made to the specification is

argued. Applicant is advised that the objection was not made because the acronyms

are improper but because what the initials represent or stand for was not stated.

Acronyms are proper and used many times, but the expansion of the letters are first

identified or stated prior to the use of the respective acronym especially since some

short forms are limited to the industry or environment that they are used in and are not

generally known. By citing an objection to the specification, the Examiner is simply

requiring an expansion or definition of the reference characters "PPS" and "SG". The

objection is maintained and has been restated above.

In paragraph 6, Applicant alludes to the reliance on inherency and argues the

use of such. Examiner notes that the rejections of the instant claims were made as

being anticipated by the references of prior art and no points of inherency is cited or implied. Thus, Applicant's argument regarding inherency is moot and unnecessary.

Beginning on page 5 of the response, Applicant argues that the reference of prior art to Ohl does not disclose or suggest the limitations of independent claim 6. Examiner disagrees with Applicant's questioning of the teaching of "a division of sensor values" and the "transmission at different resolutions". Ohl explains in paragraph [0014] how the data is divided into parts where a portion is used for sensor values while the remainder is used for signals; essentially all data portions are considered to be sensor values. Thereby teaching the limitations as claimed. As to the "transmission at different resolutions", Ohl teaches using different transmission rates and resolutions for the sensor values as stated in paragraph [0013] to begin with. Applicant continues with the argument that Ohl fails to teach "the range of values is divided as a function of a variable relevant for the control unit", to which Examiner also disagrees especially since Ohl teaches in paragraphs [0004-0012] that the sensor transmits data to the control unit and this data is divided into ranges with each range defining various values needed for control purposes.

In addition to the teachings of Ohl, the reference of prior art to Otterbach is used to teach and/or fairly suggest the limitations of the instant invention; thereby, rendering the instant claims unpatentable.

Conclusion

10.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheela Rao whose telephone number is (571) 272-3751. The examiner can normally be reached Monday - Wednesday from 9:00 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez, can be reached on (571) 272-3753. The fax number for the organization where this application or any proceeding papers has been assigned is (571) 273- 8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. It should be noted that status information for unpublished applications is available through Private

PAIR only. For more information about the PAIR system, see **http:// pair-**

direct.uspto.gov. Should any questions arise regarding access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you

would like assistance from a USPTO Customer Service Representative or access to the

automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-

1000.

/Sheela Rao/
Examiner, Art Unit 2123
September 10, 2009

/Paul L Rodriguez/
Supervisory Patent Examiner, Art Unit 2123